



MEMO ENDORSED

JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ROSEMARY C. YOGIAVEETIL
Phone: (212) 356-0877
Fax: (212) 356-1148
ryogiave@law.nyc.gov

November 9, 2020

Via ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Courtroom 618
New York, New York 10007

Re: *C.P. o/b/o D.P. v. N.Y.C. Dep't of Educ.*, 20-CV-6574 (KPF)

Dear Judge Failla:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel James E. Johnson, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek attorneys' fees, costs, and expenses in relation to legal work on an administrative hearing under the Individuals with Disabilities in Education Act, 20 U.S.C. § 1400 *et seq* ("IDEA"), and for their work in this action. I write to respectfully request an adjournment of approximately 30 days of the Initial Pre-trial Conference in this matter, presently scheduled for November 20, 2020 (ECF Dkt. No. 5).

This is Defendant's first request to adjourn the Initial Pre-Trial Conference, and Plaintiffs' counsel, Britton Bouchard of the Cuddy Law Firm, has consented to this request. The reasons for this request are two-fold: First, Defendant's time to respond to the Complaint was previously extended by the Court to December 10, 2020. Second, I am in the process of reviewing relevant billing records and the underlying administrative hearing record in order to work toward settlement. The requested adjournment will provide the parties an opportunity to meet and confer in the hopes of resolving this matter without further judicial intervention.

The parties are available on December 14-17, 20, and 21 for a rescheduled conference. Thank you for your consideration of this request.

Respectfully submitted,

/s/

Rosemary C. Yogiaveetil
Assistant Corporation Counsels

cc: **Via ECF**
Britton Howard Bouchard
Cuddy Law Firm P.L.L.C.
5693 South Street Road
Auburn, New York 13021
Attorney for Plaintiffs

Application GRANTED. The initial pretrial conference scheduled for November 20, 2020, is hereby ADJOURNED to December 15, 2020, at 10:00 a.m. At 10:00 a.m., the parties shall call (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to 10:00 a.m. The parties' pre-conference submissions (see Dkt. #5), shall be due on or by December 10, 2020.

Dated: November 9, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE